

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.12186 OF 2006

DATED: 09-02-2007

BETWEEN

Komma Reddy Venkata Ratnam,
S/o. Venkat Ramaiah, Occ: Agriculture,
R/p. Sri Ram Nagar, 8th Road, Eluru,
West Godavari District and another.

...PETITIONERS

AND

Sub Inspector of Police, Crime Branch,
Crime Station, Patamata – Vijayawada,
Krishna District and another.

...RESPONDENTS

ORDER:

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The first petitioner makes allegations against the respondents stating that the respondents have trespassed into the house of their daughter at Eluru along with one Head Constable and three other constables enquiring the whereabouts of his son - the second petitioner. When he told them that the second petitioner is staying at Hyderabad, the respondents stated that there is a non-bailable warrant pending execution against him and his son and pressurized him to produce the second petitioner. It is stated that the respondents used filthy and abusive language and have illegally interfered with their personal life and liberty in connection with certain civil disputes. It is stated that the second petitioner never borrowed a sum of Rs.45,000/- from the second respondent as stated by the first respondent and the respondents are illegally interfering in the said disputes.

2. Counter has been filed denying all the allegations and stated

that the second respondent lodged a private complaint before the I Additional Chief Metropolitan Magistrate, Vijayawada against the petitioners, who are father and son. Based on the said complaint a case in Cr.No.110 of 2006 was registered and the investigation is pending. It is stated that to divert the attention of the investigating officer, the petitioners filed this writ petition with concocted facts and to evade arrest in the crime, which was registered against the petitioners.

3. In view of the aforesaid averments in the counter, I am of the opinion that there is alternative remedy available to the petitioners under the relevant provisions of the Criminal Procedure Code, 1973 and without taking recourse under the relevant provisions of the code, the petitioners straightaway cannot approach this Court by way of writ petition, which cannot be entertained.

The writ petition is accordingly dismissed. There shall be no order as to costs.

V. ESWARAIAH, J

February 9, 2007
DSK